

Appl. No. 10/840,042  
Docket No. 9630  
Amdt. dated February 21, 2008  
Reply to Office Action mailed on December 28, 2007  
Customer No. 27752

## REMARKS

### Claim Status

Applicants acknowledge the withdrawal of the rejections over Kershaw et al. alone or in combination with Swoboda.

Claim 1 has been amended to define the claimed invention with greater specificity.

Claims 1, 5, and 7-15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 USC §112, Second Paragraph

Claims 1, 5, and 7-15 have been rejected by the Examiner under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that "a random pattern of latex" in Claim 1 is not clear. Further, the Examiner asserts that "sanitary tissue product exhibits an average effective caliper that is greater than the average sheet caliper of an identical sanitary tissue product in its non-patterned form" in Claim 1 is not clear.

Applicants respectfully submit that Claim 1, as amended, is not indefinite. Applicants submit that a latex is present on at least one surface of the fibrous structure in a random pattern. Further, Applicants submit that "identical" in the above referenced phrase means that the sanitary tissue products being compared are identical except for the fact that one sanitary tissue product is "patterned" and one is "non-patterned."

Accordingly, Applicants submit that Claim 1, as amended, is not indefinite. Further, Applicants submit that Claims 5 and 7-15, which ultimately depend from Claim 1, as amended, are not indefinite.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,990,377  
in View of U.S. Patent No. 5,944,273

Claims 1, 5, and 7-15 have been rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,990,377 to Chen et al. ("Chen") in view of U.S. Patent No. 5,944,273 to Lin et al. ("Lin") and evidenced by U.S. Patent No. 6,740,373 to Swoboda et al. ("Swoboda"). The Examiner asserts that Chen discloses a patterned fibrous structure or basesheet, which can be used in sanitary tissue products. The Examiner asserts that since Chen teaches that its latex is applied nonuniformly to the upper surface of the basesheet, that means that Chen's latex is present on the surface of its basesheet in a random pattern. The Examiner recognizes that Chen does not teach that its sheets are rolled. The Examiner attempts to combine the teachings of Lin with the teachings of Chen to render the claimed invention obvious since Lin discloses a process for winding uncreped tissue onto rolls.

Contrary to the Examiner's assertions and conclusion, Applicants respectfully submit that Chen in combination with Lin fails to teach each and every element of Claim 1, as amended, because neither Chen nor Lin teach a fibrous structure having a surface where latex is present on the surface in a random pattern. Applicants respectfully submit that Chen's teaching that its latex is applied nonuniformly does not teach that the latex is present on the surface of its basesheet in a random pattern. Applicants respectfully submit that "nonuniformly" in Chen means merely that the latex is not applied over the entire surface, which is the case since Chen teaches that its latex is applied only to the most elevated portions of the basesheet which are in a pattern on the surface of the basesheet. The drawings of Chen also support the fact that its latex is present on the surface of the basesheet in a pattern. To aid in the patterned application of the latex to Chen's basesheet, Chen teaches using a template or shield to help direct the latex to the most elevated portions of the basesheet.

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chen in view of Lin as evidenced by Swoboda. MPEP 2143.03. Further, Applicants submit that Claims 5 and 7-15, which ultimately depend

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from Claim 1, as amended, are not rendered obvious over Chen in view of Lin as evidenced by Swoboda.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

C. Brant Cook

Registration No. 39,151  
(513) 634-1533

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